

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

TEVA PHARMACEUTICALS USA, INC.,
TEVA PHARMACEUTICAL INDUSTRIES
LTD., TEVA NEUROSCIENCE, INC.,

and

YEDA RESEARCH AND DEVELOPMENT
CO. LTD.,

Plaintiffs,

-against-

SANDOZ, INC., SANDOZ
INTERNATIONAL GMBH, NOVARTIS AG,

and

MOMENTA PHARMACEUTICALS, INC.,

Defendants.

Civil Action No. 08 CV 7611 (BSJ)(AJP)

ECF Case

**DECLARATION OF KAREN L.
HAGBERG IN SUPPORT OF SANDOZ
INC.'S AND MOMENTA
PHARMACEUTICALS, INC.'S
OBJECTIONS TO EVIDENCE AND
MOTION TO STRIKE THE EXPERT
DECLARATIONS OF DR. GREGORY
GRANT AND DR. PAUL DUBIN FROM
PLAINTIFFS' OPPOSITION TO
MOTION FOR SUMMARY
JUDGMENT OF INDEFINITENESS**

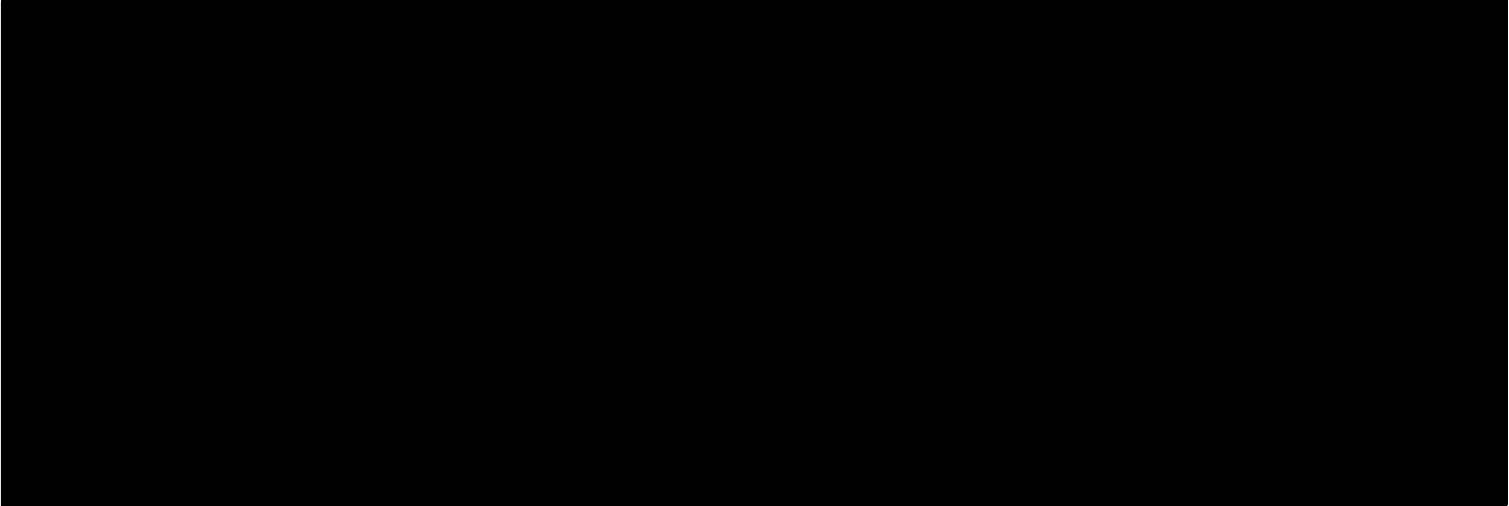
**EXTERNAL COUNSEL ONLY
(FILED UNDER SEAL PURSUANT TO
APRIL 10, 2009 PROTECTIVE ORDER)**

I, Karen L. Hagberg, declare:

1. I am a partner with the law firm of Morrison & Foerster LLP, counsel of record for Defendants Sandoz Inc. and Momenta Pharmaceuticals, Inc. ("Sandoz"). I am an attorney duly licensed to practice law in the courts of the State of New York. I make this declaration in support of Sandoz's Objections to Evidence and Motion to Strike the Expert Declarations of Dr. Gregory Grant and Dr. Paul Dubin from Plaintiffs' Opposition to Motion for Summary Judgment of Indefiniteness. This declaration is based on my personal knowledge, unless otherwise stated, and if called as a witness I could and would testify competently to the facts stated herein.

2. Attached hereto as Exhibit 1 are excerpts of a true and correct copy of the deposition transcript of Gregory A. Grant, taken on October 28, 2009.

3. Attached hereto as Exhibit 2 is a true and correct copy of Bernd Trathnigg, *Determination of MWD and Chemical Composition of Polymers by Chromatographic Techniques*, 20 Progress in Polymer Science 615 (1995).



5. Attached hereto as Exhibit 4 are excerpts of a true and correct copy of the deposition transcript of Gregory A. Grant, taken on February 2, 2010.

6. Attached hereto as Exhibit 5 are excerpts of a true and correct copy of the deposition transcript of Paul L. Dubin, taken on February 3, 2010.

7. Attached hereto as Exhibit 6 is a true and correct copy of Phillip J. Wyatt, *Light scattering and the absolute characterization of macromolecules*, 272 Analytica Chimica Acta 1 (1993).

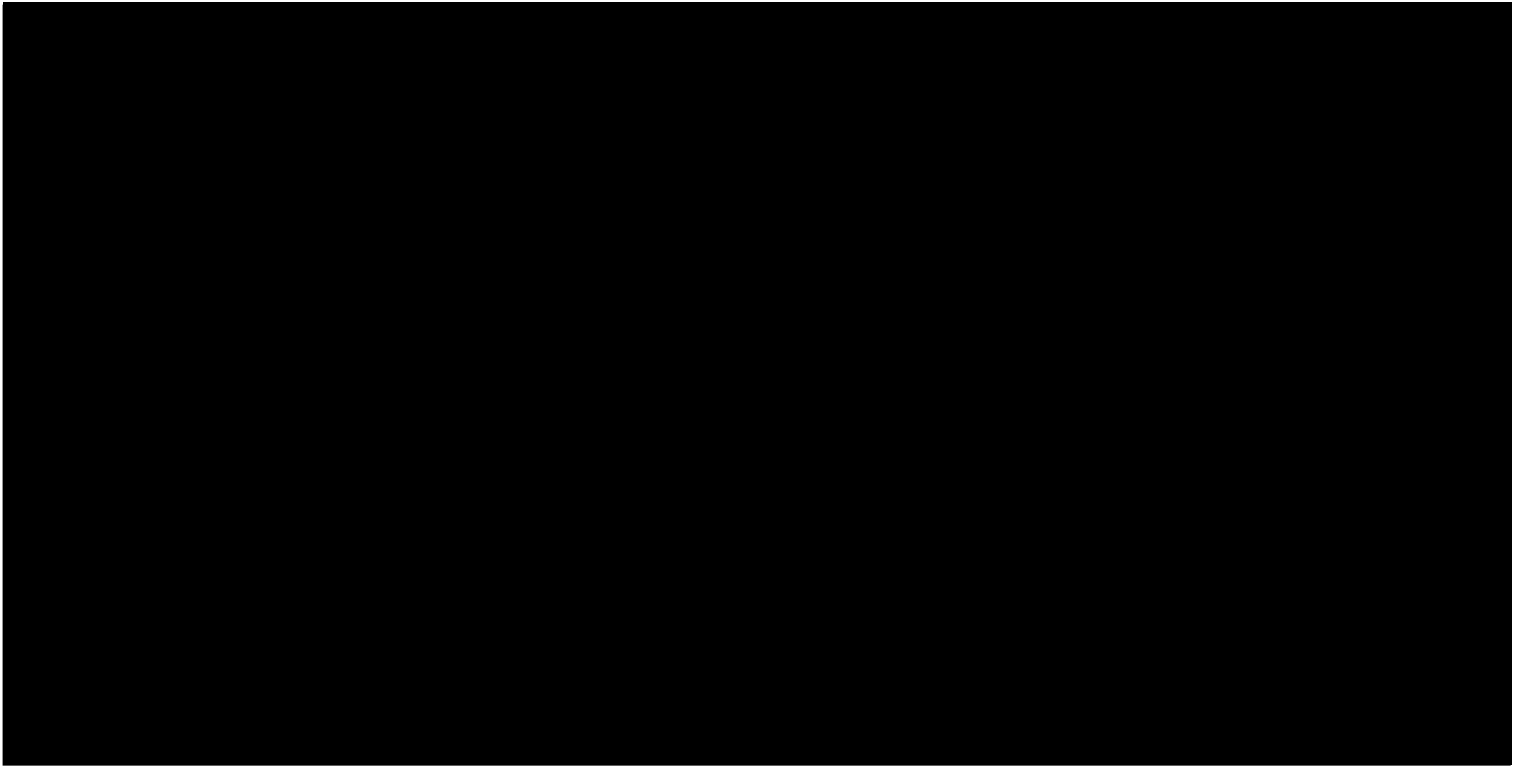
8. Attached hereto as Exhibit 7 is a true and correct copy of Paul L. Dubin, et al., *Determination of molecular weight of heparin by size exclusion chromatography with universal calibration*, 312 Analytical Biochemistry 33, 39 (2003).


9. Attached hereto as Exhibit 8 is a true and correct copy of W. S. Bahary & M. Jilani, *Universal Calibration Assessment in Aqueous Gel Permeation Chromatography*, 48 *Journal of Applied Polymer Science* 1531 (1993).

10. Attached hereto as Exhibit 9 is a true and correct copy of Paul L. Dubin, *Chapter 3. Electrostatic effects*, in *AQUEOUS SIZE-EXCLUSION CHROMATOGRAPHY* 55 (Paul Dubin ed., 1988)

11. Attached hereto as Exhibit 10 is a true and correct copy of Paul L. Dubin et al., *Quantitation of non-ideal behavior in protein size-exclusion chromatography*, 635 *Journal of Chromatography* 51 (1993).

12. Attached hereto as Exhibit 11 is a true and correct copy of Paul L. Dubin, *Nonionic polysaccharides as calibration standards for aqueous size exclusion chromatography*, 25 *Carbohydrate Polymers* 295 (1994).





17. Attached hereto as Exhibit 16 is a true and correct copy of the following excerpts from the U.S. Patent Number 5,800,808 patent prosecution file history: January 22, 1997 preliminary amendment, February 14, 1997 Office Action, and July 14, 1997 responsive amendment.

18. Attached hereto as Exhibit 17 is a true and correct copy of Teva's Citizen Petition to the FDA dated September 26, 2008.

19. Attached hereto as Exhibit 18 is a true and correct copy of the Declaration of Gregory A. Grant, Ph.D. In Support of Plaintiffs' Claim Construction Brief, dated October 7, 2009, filed in this matter at D.I. 70.

20. Attached hereto as Exhibit 19 is a true and correct copy of the Second Supplemental Declaration of Gregory A. Grant, Ph.D. In Support of Plaintiffs' Opposition Claim Construction Brief, dated November 4, 2009, filed in this matter at D.I. 77.

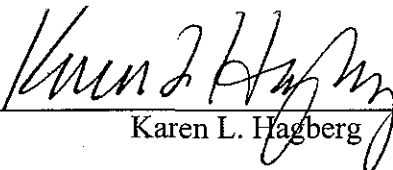
21. Attached hereto as Exhibit 20 is a true and correct copy of the Third Supplemental Declaration of Gregory A. Grant, Ph.D. In Support of Plaintiffs' Claim Construction Reply Brief, dated November 18, 2009, filed in this matter at D.I. 92.

22. Attached hereto as Exhibit 21 is a true and correct copy of the Declaration of Gregory A. Grant, Ph.D. In Support of Plaintiffs' Opposition to Defendants' Motion for Summary Judgment of Invalidity for Indefiniteness under U.S.C. § 112 dated January 22, 2010, filed in this case under seal.

24. Attached hereto as Exhibit 23 is a true and correct copy of the Declaration of Paul L. Dubin, Ph.D. in Support of Plaintiffs' Opposition to Defendants' Motion for Summary Judgment of Invalidity for Indefiniteness Under U.S.C. § 112 dated January 22, 2010, filed in this matter at D.I. 127.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on this 11th day of February, 2010, in New York, New York.



Karen L. Hagberg